TITLE 37.—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

This title was enacted by Pub. L. 87–649, § 1, Sept. 7, 1962, 76 Stat. 451

Chapter 1.—DEFINITIONS

§ 101. Definitions.

In addition to the definitions in sections 1—5 of title 1, for the purposes of this title—

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(7) "Army National Guard" means that part of the organized militia of the several States, Puerto Rico, the Canal Zone, the Virgin Islands, and the District of Columbia, active and inactive, that—

* * * * *

(9) "Air National Guard" means that part of the organized militia of the several States, Puerto Rico, the Canal Zone, the Virgin Islands, and the District of Columbia, active and inactive, that—

* * * * *

(25) "regular compensation" or "regular military compensation (RMC)" means the total of the following elements that a member of a uniformed service accrues or receives, directly or indirectly, in cash or in kind every payday: basic pay, basic allowance for quarters, basic allowance for subsistence; and Federal tax advantage accruing to the aforementioned allowances because they are not subject to Federal income tax.

(As amended Pub. L. 92–492, § 3, Oct. 13, 1972, 86 Stat. 810; Pub. L. 93–419, § 1, Sept. 19, 1974, 88 Stat. 1152.)

AMENDMENTS

1974—Cl. (25). Pub. L. 93–419 added cl. (25).

1972—Cls. (7), (9). Pub. L. 92–492 added references to the Virgin Islands.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–419 effective Sept. 19, 1974, see section 9 of Pub. L. 93–419, set out as a note under section 1009 of this title.

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the note under this section in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 3326, 3501, 5531; title 10 section 2774; title 20 sections 238, 635; title 26 section 6013; title 32 section 716; title 33 section 857–1; title 42 section 1594j–1.

Chapter 3.—BASIC PAY

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 402, 1003 of this title.

§ 202. Pay grades: assignment to; rear admirals of upper half; officers holding certain positions in the Navy.

* * * * *

(f) The number of rear admirals on the active list of the Coast Guard entitled to the basic pay of a rear admiral of the upper half is one-half of the number of officers on the active list in grades above captain, less the number of officers serving in grades above rear admiral. If the division results in an odd number, the odd number shall be placed in the upper half. However, an officer who is entitled to the basic pay of a rear admiral of the upper half may not have his basic pay reduced solely because the number of rear admirals is reduced.

* * * * *

(As amended Pub. L. 92–451, § 2, Oct. 2, 1972, 86 Stat. 757.)

AMENDMENTS

1972—Subsec. (f). Pub. L. 92–451 struck out "Except for those whose basic pay is otherwise specifically authorized by law," and substituted "In grades above captain, less the number of officers serving in grades above rear admiral", for "in that grade" in the first sentence.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92–451, set out as a note under section 290 of Title 14, Coast Guard.

§ 203. Rates.

(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are those prescribed in accordance with section 1009 of this title.

* * * * *

(As amended Pub. L. 92–129, title II, § 201, Sept. 28, 1971, 85 Stat. 355; Pub. L. 92–455, § 3, Oct. 2, 1972, 86 Stat. 761; Pub. L. 93–419, § 2, Sept. 19, 1974, 88 Stat. 1152.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–419 substituted reference to section 1009 of this title for provisions setting out in tables the rates of monthly basic pay for members of the uniformed services.

1972—Subsec. (a). Pub. L. 92–455 substituted in footnote 1 of the enlisted members pay table "Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard," for "Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps,".

1971—Subsec. (a). Pub. L. 92–129 increased the rates of monthly basic pay for all personnel.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–419 effective Sept. 19, 1974, see section 9 of Pub. L. 93–419, set out as a note under section 1009 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–129 effective Oct. 1, 1971, see section 209 of Pub. L. 92–129, set out as a note under section 302a of this title.

MASTER CHIEF PETTY OFFICER OF THE COAST GUARD; PAY RECOVERY

Section 5 of Pub. L. 92–455 provided that: "An enlisted member of the Coast Guard who has served as the master chief petty officer of the Coast Guard before enactment of this Act [Oct. 2, 1972] is entitled to recover the differences between the basic pay (including proficiency pay) received while so serving and the amount he would have received if his basic pay had been the same as the basic pay of the senior enlisted advisers of the other Armed Forces from the time of his original appointment to serve as the master chief petty officer of the Coast Guard."

REDUCTION IN PAY PROHIBITED

Section 210 of Pub. L. 92–129 provided that: "The enactment of this title [enacting sections 302a, 308a, and 428 of this title and amending this section, section 403(a) of this title, and sections 2203, 2204, and 2207 of Title 50 Appendix] shall not reduce the pay to which any member of the uniformed services was entitled on June 30, 1971."

PERIODIC PAY ADJUSTMENTS IN MONTHLY BASIC PAY

Section 8 of Pub. L. 90–207 which provided for adjustment of regular compensation whenever the General Schedule of compensation for federal classified employees was adjusted upwards was repealed by section 8 of Pub. L. 93–419, Sept. 19, 1974, 88 Stat. 1153.

ADJUSTMENT OF PAY RATES

For adjustment of pay rates effective Oct. 1, 1975, see Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 1009 of this title.

REPORT BY JUNE 30, 1972, BY SECRETARY OF DEFENSE TO CONGRESSIONAL COMMITTEES ON EFFECTIVENESS OF 1971 PAY INCREASES IN INCREASING VOLUNTEERS

Section 211 of Pub. L. 92–129 provided that: "Not later than June 30, 1972, the Secretary of Defense shall report to the Chairman of the Armed Services Committees of the Senate and of the House of Representatives on the effectiveness of the provision of this title [enacting sections 302a, 308a, and 423 of this title and amending this section, section 403(a) of this title, and sections 2203, 2204, and 2207 of Title 50 Appendix] in increasing the number of volunteers enlisting for active duty in the Armed Forces of the United States."

EXECUTIVE ORDER NO. 11414

Ex. Ord. No. 11414, June 11, 1968, 33 F.R. 8645, set out as a note under this section, which provided for the adjustment of pay rates effective July 1, 1968, was superseded by Ex. Ord. No. 11812, Oct. 7, 1974, 39 F.R. 36307. For present provisions, see Ex. Ord. No. 11883, set out as a note under section 1009 of this title.

EXECUTIVE ORDER NO. 11475

Ex. Ord. No. 11475, June 16, 1969, 34 F.R. 9609, set out as a note under this section which provided for the adjustment of pay rates effective July 1, 1969, was superseded by Ex. Ord. No. 11812, Oct. 7, 1974, 39 F.R. 36307. For present provisions, see Ex. Ord. No. 11883, set out as a note under section 1009 of this title.

EXECUTIVE ORDER NO. 11525

Ex. Ord. No. 11525, Apr. 15, 1970, 35 F.R. 6251, set out as a note under this section which provided for the adjustment of pay rates effective Jan. 1, 1970, was superseded by Ex. Ord. No. 11812, Oct. 7, 1974, 39 F.R. 36307. For present provisions, see Ex. Ord. No. 11883, set out as a note under section 1009 of this title.

EXECUTIVE ORDER NO. 11577

Ex. Ord. No. 11577, Jan. 8, 1971, 36 F.R. 349, formerly set out as a note under this section, which provided for the adjustment of pay rates effective Jan. 1, 1971, was superseded by Ex. Ord. No. 11812, Oct. 7, 1974, 39 F.R. 36307. For present provisions, see Ex. Ord. No. 11883, set out as a note under section 1009 of this title.

EXECUTIVE ORDER NO. 11638

Ex. Ord. No. 11638, Dec. 22, 1971, 36 F.R. 24913, formerly set out as a note under this section, which provided for the adjustment of pay rates effective Jan. 1, 1972, was superseded by Ex. Ord. No. 11812, Oct. 7, 1974, 39 F.R. 36307. For present provisions, see Ex. Ord. No. 11883, set out as a note under section 1009 of this title.

EXECUTIVE ORDER NO. 11692

Ex. Ord. No. 11692, Dec. 15, 1972, 37 F.R. 27609, formerly set out as a note under this section, which provided for the adjustment of pay rates effective Jan. 1, 1973, was supereseded by Ex. Ord. No. 11812, Oct. 7, 1974, 39 F.R. 36307. For present provisions, see Ex. Ord. No. 11883, set out as a note under section 1009 of this title.

EXECUTIVE ORDER NO. 11740

Ex. Ord. No. 11740, Oct. 3, 1973, 38 F.R. 27585, formerly set out as a note under this section, which provided for the adjustment of pay rates effective Oct. 1, 1973, was superseded by Ex. Ord. No. 11812, Oct. 7, 1974, 39 F.R. 36307. For present provisions, see Ex. Ord. No. 11883, set out as a note under section 1009 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 209, 1009 of this title; title 10 section 1401a.

§ 204. Entitlement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 301a, 707 of this title.

§ 205. Computation: service creditable.

(a) Subject to subsections (b)–(d) of this section, for the purpose of computing the basic pay of a member of a uniformed service, his years of service are computed by adding—

(1) all periods of active service as an officer, Army field clerk, flight officer, aviation midshipman, or enlisted member of a uniformed service;

* * * * *

(As amended Pub. L. 93–545, § 2, Dec. 26, 1974, 88 Stat. 1741.)

AMENDMENTS

1974—Subsec. (a)(1). Pub. L. 93–545 added "aviation midshipman," following "flight officer,".

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the note under this section in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 203, 308, 421 of this title; title 10 sections 1405, 2126; title 42 section 212.

§ 206. Reserves; members of National Guard: inactive-duty training.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 301, 301a, 309, 402, 707 of this title; title 10 section 101; title 32 sections 321, 715; title 38 sections 101, 2024.

§ 209. Members of Senior Reserve Officers' Training Corps.

(a) Except when on active duty, a member of the Senior Reserve Officers' Training Corps who is selected for advanced training under section 2104 of title 10 is entitled to a subsistence allowance of $100 a month beginning on the day he starts advanced training and ending upon the completion of his instruction under that section, but in no event shall any member receive such pay for more than 20 months. Subsistence allowance under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 456(d)(1) of title 50, appendix.

(b) Except when on active duty, a cadet or midshipman appointed under section 2107 of title 10 is entitled to a monthly subsistence allowance in the amount provided in subsection (a) of this section. A member enrolled in the first two years of a four-year program is entitled to receive subsistence for a maximum of twenty months. A member enrolled in the advanced course is entitled to subsistence as prescribed for a member enrolled under section 2104 of title 10 as prescribed in subsection (a) of this section.

* * * * *

(As amended Pub. L. 92–171, § 1, Nov. 24, 1971, 85 Stat. 490.)

AMENDMENTS

1971—Subsec. (a). Pub. L. 92–171, § 1(1), substituted "a subsistence allowance of $100 a month" for "subsistence allowance at the rate of not less than $40 per month or more than $50 per month".

Subsec. (b). Pub. L. 92–171, § 1(2), substituted "a monthly subsistence allowance in the amount provided in subsection (a) of this section. A member enrolled in the first two years of a four-year program is entitled to receive subsistence for a maximum of twenty months. A member enrolled in the advanced course is entitled to subsistence as prescribed for a member enrolled under section 2104 of title 10 as prescribed in subsection (a) of this section." for "subsistence allowance at the rate of $50 a month beginning on the day that he starts his first term of college work under that section and ending upon the completion of his instruction under that section, but not for more than four years.".

EFFECTIVE DATE OF 1971 AMENDMENT

Section 2 of Pub. L. 92–171 provided that: "The amendments made by this Act [amending subsecs. (a) and (b) of this section] shall become effective on July 1, 1971."

SUBSISTENCE ALLOWANCES FOR MEMBERS OF THE MARINE CORPS OFFICER CANDIDATE PROGRAMS

Pub. L. 92–172, Nov. 24, 1971, 85 Stat. 491, provided: "That until June 30, 1976, except when on active duty, a member enrolled in a Marine Corps officer candidate program which requires a baccalaureate degree as a prerequisite to being commissioned as a regular or reserve officer, and who is not enrolled in a program or an academy established under chapter 103, 403, 603, or 903 of title 10, United States Code, may be paid a subsistence allowance at the same rate as that prescribed by section 209(a) of title 37, United States Code [subsection (a) of this section]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1478.

Chapter 5.—SPECIAL AND INCENTIVE PAY

Sec.
301a. Incentive pay: aviation career.
302. Special pay: physicians.
302a. Special pay: optometrists.
302b. Special pay: dentists.
308a. Special pay: enlistment bonus.
312. Special pay: nuclear-qualified officers extending period of active service.
312a. Special pay: nuclear-trained and qualified enlisted members.
313. Special pay: medical officers who execute active duty agreements.

AMENDMENTS

1974—Pub. L. 93–294, § 2(3), May 31, 1974, 88 Stat. 177, added item 301a.

Pub. L. 93–274, § 1(1), (2), (4), May 6, 1974, 88 Stat. 94, 95, substituted "physicians" for "physicians and dentists" in item 302, and added items 302b and 313.

1972—Pub. L. 92–581, § 1(1), (4), Oct. 27, 1972, 86 Stat. 1277, 1278, struck out "submarine" in item 312, and added item 312a.

1971—Pub. L. 92–129, title II, §§ 202(b), 203(b), Sept. 28, 1971, 85 Stat. 358, added items 302a and 308a.

§ 301. Incentive pay; hazardous duty.

(a) Subject to regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled to incentive pay, in the amount set forth in subsection (b) or (c) of this section, for the performance of hazardous duty required by orders. For the purposes of this subsection, "hazardous duty" means duty—

(1) as an enlisted crew member, as determined by the Secretary concerned, involving frequent and regular participation in aerial flight;

(2) as determined by the Secretary concerned, on a submarine (including, in the case of nuclear-powered submarines, periods of training and rehabilitation after assignment thereto), or in the case of personnel qualified in submarines, as a member of a submarine operational command staff whose duties require serving on a submarine during underway operations—

(A) During one calendar month: 48 hours; however, hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month;

* * * * *

(g) Repealed. Pub. L. 93–294, § 2(2), May 31, 1974, 88 Stat. 177.

(As amended Pub. L. 92–436, title VI, § 605, Sept. 26, 1972, 86 Stat. 740; Pub. L. 93–294, § 2(1), (2), May 31, 1974, 88 Stat. 177.)

AMENDMENTS

1974—Subsec. (a)(1). Pub. L. 93–294, § 2(1), substituted "an enlisted crew member" for "a crew member."

Subsec. (g). Pub. L. 93–294, § 2(2), repealed subsec. (g) which required the Secretary of each military department to report to Congress before January 2 each year the number of officers of the Army, Navy, or Air Force, as the case may be, above the grade of major or lieutenant commander, by grade and age group, who were entitled to incentive pay under subsec. (a)(1) of this section. See section 301a of this title.

1972—Subsec. (a)(2)(A). Pub. L. 92–436 included in the hazardous duty for incentive pay of a member of a submarine operational command the application of hours served underway in excess of 48 during the preceding five calendar months and not used to qualify for incentive pay, to satisfy of underway time requirements for the current month.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–294 effective June 1, 1974, see section 6 of Pub. L. 93–294, set out as a note under section 301a of this title.

SHORT TITLE

Section 1 of Pub. L. 93–294 provided: "That this Act [amending this section, enacting section 301a of this title, and enacting provisions set out as notes under section 301a of this title] may be cited as the 'Aviation Career Incentive Act of 1974'."

EX. ORD. NO. 11157, REGULATIONS RELATING TO INCENTIVE PAY, SPECIAL PAY, AND ALLOWANCES

Ex. Ord. No. 11157, June 22, 1964, 29 F.R. 7973, as amended by Ex. Ord. No. 11242, Aug. 28, 1965, 30 F.R. 11205; Ex. Ord. No. 11253, Oct. 20, 1965, 30 F.R. 13509; Ex. Ord. No. 11259, Dec. 3, 1965, 30 F.R. 15057; Ex. Ord. No. 11292, Aug. 1, 1966, 31 F.R. 10447; Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247; Ex. Ord. No. 11424, Aug. 29, 1968,

33 F.R. 12361; Ex. Ord. No. 11473, June 14, 1969, 34 F.R. 9485; Ex. Ord. No. 11511, Feb. 27, 1970, 35 F.R. 3877; Ex. Ord. No. 11591, Apr. 23, 1971, 36 F.R. 7833; Ex. Ord. No. 11716, Apr. 26, 1973, 38 F.R. 10621; Ex. Ord. No. 11728, July 12, 1973, 38 F.R. 18861; Ex. Ord. No. 11897, Jan. 13, 1976, 41 F.R. 2071, provided:

* * * * *

PART I—INCENTIVE PAY FOR HAZARDOUS DUTY

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SEC. 104. Under such regulations as the Secretary concerned may prescribe, members who are required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, shall be required to meet the following minimum flight requirements, except as otherwise provided in section 101 hereof, in order to be entitled to receive monthly incentive pay for the performance of hazardous duty.

* * * * *

(b) Minimum flight requirements for members of reserve components of the uniformed services on inactive-duty training who may qualify for incentive pay under the provisions of section 301(f) of title 37, United States Code:

(1) During one calendar month: 2 hours of aerial flight; however, hours of aerial flight performed during the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the aerial flight requirement for that month.

* * * * *

SEC. 106. * * *

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(b) As determined by the Secretary of the Navy, any member qualified in submarines who, pursuant to competent orders, is assigned as a member of a submarine operational command staff whose duties require serving on a submarine during underway operations and who—

(1) during one calendar month, so serves 48 hours; hours, however, hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month,

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PART II—SPECIAL PAY FOR SEA DUTY AND DUTY AT CERTAIN PLACES

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SEC. 204. Enlisted members entitled to receive basic pay shall be entitled to receive, additionally, pay under the rates prescribed by section 305(a) of title 37 of the United States Code, while on duty at places that are outside the contiguous 48 States and the District of Columbia and that are designated for this purpose by the Secretary of Defense or, in the case of enlisted members of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation. Subject to the provisions of section 305 of title 37 of the United States Code, an enlisted member who is permanently assigned to duty at a place so designated is entitled to receive that pay during a period of authorized leave, temporary additional duty, temporary duty, or hospitalization, or while on an operational aircraft flight, but not for more than 30 days while he is away from that place. Enlisted members shall be entitled to special pay under this section when attached to ships undergoing repair and overhaul in designated foreign duty areas for extended periods when entitlement to sea-duty pay has been terminated. Such enlisted members shall be entitled to special pay under the same conditions as an enlisted member on temporary additional duty or temporary duty in that designated foreign duty area.

SEC. 205. Unless otherwise entitled to special pay in accordance with the second sentence of section 204, hereof, during period spent on temporary additional duty or temporary duty, or on operational aircraft flights, pay in accordance with section 204 shall accrue to enlisted members only for periods of eight continuous days or more in duration at places designated, including the dates of arrival at, and the dates of departure from, those places.

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PART IV—BASIC ALLOWANCE FOR QUARTERS

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SEC. 403. Any quarters or housing facilities under the jurisdiction of any of the uniformed services in fact occupied without payment of rental charges (a) by a member and his dependents, or (b) by a member without dependents, or (c) by the dependents of a member on field duty or on sea duty or on duty at a station where adequate quarters are not available for his dependents, shall be deemed to have been assigned to such member as appropriate and adequate quarters, and no basic allowance for quarters shall accrue to such member under such circumstances unless the occupancy (1) occurs while such member is in a duty or leave status incident to a change of permanent station and is of a temporary nature under standards prescribed by regulations issued by the Secretary of Defense in the case of members of the Army, Navy, Air Force, or Marine Corps, and the reserve components thereof, or by the appropriate Secretary in the case of members of the other uniformed services, or (11) occurs while such member is in a duty or leave status not incident to a change of permanent station and does not exceed seven consecutive days at one location: *Provided,* That occupancy of quarters under such circumstances for a period in excess of such 7-day period or such other temporary period as may be authorized under standards prescribed by regulations issued by the Secretary concerned shall not result in a forfeiture of basic allowance for quarters for such 7-day or other authorized period: *Provided further,* That this paragraph shall not apply to occupancy of quarters as a guest of another member.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304, 552 of this title; title 38 section 2024.

§ 301a. Incentive pay: aviation career.

(a)(1) Subject to regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled to aviation career incentive pay in the amount set forth in subsection (b) of this section for the frequent and regular performance of operational or proficiency flying duty required by orders.

(2) Aviation career incentive pay shall be restricted to regular and reserve officers who hold, or are in training leading to, an aeronautical rating or designation and who engage and remain in aviation service on a career basis.

(3) Under regulations prescribed by the Secretary of Defense, the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, or the Secretary of Commerce and the Secretary of Health, Education, and Welfare with respect to members under their respective jurisdiction, an officer (except a flight surgeon or other medical officer) who is entitled to basic pay, holds an aeronautical rating or designation, and is qualified for aviation service under regulations prescribed by the Secretary concerned, is entitled to continuous monthly incentive pay in the amount set forth in subsection (b) of this section that is applicable to him. A flight surgeon or other medical officer who is entitled to basic pay, holds an aeronautical rating or designation, and is qualified for aviation service under regulations prescribed by the Secretary concerned, is not entitled to continuous monthly incentive pay but is entitled to monthly

incentive pay in the amounts set forth in subsection (b) of this section for the frequent and regular performance of operational flying duty.

(4) To be entitled to continuous monthly incentive pay, an officer must perform the prescribed operational flying duties (including flight training but excluding proficiency flying) for 6 of the first 12, and 11 of the first 18, years of his aviation service. However, if an officer performs the prescribed operational flying duties (including flight training but excluding proficiency flying) for at least 9 but less than 11 of the first 18 years of his aviation service, he will be entitled to continuous monthly incentive pay for the first 22 years of his officer service.

(5) If upon completion of either 12 or 18 years of aviation service it is determined that an officer has failed to perform the minimum prescribed operational flying duty requirements during the prescribed periods of time, his entitlement to continuous monthly incentive pay ceases. If at the completion of 12 years of aviation service entitlement to continuous monthly incentive pay ceases, entitlement to that pay may again commence at the completion of 18 years of aviation service upon completion of the minimum operational flying duty requirements, such pay to continue for a period of time as prescribed in accordance with this section. However, if entitlement to continuous monthly incentive pay ceases in the case of any officer at the completion of either 12 or 18 years of aviation service, such officer remains entitled to monthly incentive pay for the performance of subsequent operational or proficiency flying duties up to the maximum period of time prescribed in accordance with this section.

(6) For the purposes of this section, the term—

(A) "operational flying duty" means flying performed under competent orders by rated or designated members while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation; and

(B) "proficiency flying duty" means flying performed under competent orders by rated or designated members while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

(b) A member who satisfies the requirements described in subsection (a) of this section is entitled to monthly incentive pay as follows:

(1) For an officer in pay grades O–1 through O–10 who is qualified under subsection (a) of this section:

Phase I

Monthly rate:	Years of aviation service (including flight training) as an officer
$100	2 or less.
$125	Over 2.
$150	Over 3.
$165	Over 4.
$245	Over 6.

Phase II

Monthly rate:	Years of services as an officer as computed under section 205
$225	Over 18.
$205	Over 20.
$185	Over 22.
$165	Over 24 but not over 25.

An officer is entitled to the rates in phase I of this table until he has completed 18 years of service as an officer, after which his entitlement is as prescribed by the rates in phase II, if he has completed at least 6 years of aviation service as an officer. However, if he has over 18 years of service as an officer, but not at least 6 years of aviation service as an officer, he continues to be subject to the rates set forth in phase I of the table that apply to an officer who has less than 6 years of aviation service as an officer. An officer in a pay grade above O–6 is entitled, until he completes 25 years of service as an officer, to be paid at the rates set forth in this table, except that an officer in pay grade O–7 may not be paid at a rate greater than $160 a month, and an officer in pay grade O–8, or above, may not be paid at a rate greater than $165 a month.

(2) For a warrant officer who is qualified under subsection (a) of this section:

Monthly rate:	Years of aviation service as an officer
$100	2 or less.
$110	Over 2.
$200	Over 6.

For the purposes of clauses (1) and (2) of this subsection, the term "aviation service" means the service performed, under regulations prescribed by the Secretary concerned, by an officer, and the years of aviation service are computed beginning with the effective date of the initial order to perform aviation service.

(c) In time of war, the President may suspend the payment of aviation career incentive pay.

(d) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of a reserve component of a uniformed service, or of the National Guard, who is entitled to compensation under section 206 of this title, performs, under orders, duty described in subsection (a) of this section for members entitled to basic pay, he is entitled to an increase in compensation equal to 1/30 of the monthly incentive pay authorized by subsection (b) (1) or (2) of this section, as the case may be, for the performance of that duty by a member of corresponding years of aviation or officer service, as appropriate, who is entitled to basic pay. Such member is entitled to the increase for as long as he is qualified for it, for each regular period of instruction, or period of appropriate duty, at which he is engaged for at least two hours, including that performed on a Sunday or holiday, or for the performance of such other equivalent training, instruction, duty or appropriate duties, as the Secretary may prescribe under section 206(a) of this

title. This subsection does not apply to a member who is entitled to basic pay under section 204 of this title.

(e) The Secretary of Defense shall report to Congress before July 1 each year the number of rated members by pay grade who—

(1) have 12 or 18 years of aviation service, and of those numbers, the number who are entitled to continuous monthly incentive pay under subsection (a) of this section; and

(2) are performing operational flying duties, proficiency flying, and those not performing flying duties.

(Added Pub. L. 93–294, § 2(3), May 31, 1974, 88 Stat. 177.)

EFFECTIVE DATE

Section 6 of Pub. L. 93–294 provided that: "This Act [enacting this section, amending section 301 of this title, and enacting provisions set out as notes under this section] becomes effective on the first day of the first month after enactment [May 31, 1974]."

MONTHLY INCENTIVE PAY FOR CERTAIN OFFICERS ENTITLED TO INCENTIVE PAY UNDER SECTION 301(a)(1) OF THIS TITLE ON MAY 31, 1973

Section 4 of Pub. L. 93–294 provided that:

"Notwithstanding the amendments made by this Act [enacting this section and amending section 301 of this title], an officer who was entitled to incentive pay under section 301(a)(1) of title 37, United States Code, on May 31, 1973, or on the day before the effective date of this Act [June 1, 1974], if otherwise qualified on the day before the effective date of this Act [June 1, 1974], is entitled to monthly incentive pay as prescribed in either clause (1) or (2) of this section, as follows:

"(1) If he is credited with 6 or less years of aviation service as an officer, and with less than 12 years of service as an officer, he is entitled to monthly incentive pay either—

"(A) in the amount he was receiving under section 301(b) of that title on May 31, 1973, or on the day before the effective date of this Act [June 1, 1974], but with no entitlement after either of those dates, as applicable, to any longevity pay increases or increases resulting from promotion to a higher grade until such time as the rate to which he is entitled under section 301a(b) of that title, as added by this Act, is equal to or greater than the amount he was receiving under that section on May 31, 1973, or on the day before the effective date of this Act [June 1, 1974], and thereafter his entitlement is as prescribed by that section, as added by this Act; or

"(B) at the rate prescribed by section 301a(b) of that title, as added by this Act;

whichever is greater. However, an officer who is promoted and assigned to pay grade O–7 or above during the 36-month period following the effective date of this Act [June 1, 1974] may not receive more than the rate which existed for that pay grade, as appropriate, prior to June 1, 1973.

"(2) If he is credited with more than 6 years of aviation service as an officer, or less than 6 years of aviation service but more than 12 years of service as an officer, he may receive monthly incentive pay at the rate prescribed in the table in section 301a(b) of title 37, United States Code, as added by this Act, that is applicable to him, or $165, whichever is greater, for not more than 36 months after the effective date of this Act [June 1, 1974], notwithstanding the provisions of section 301a(a) of that title, as added by this Act, with respect to prescribed operational flying duties (including flight training but excluding proficiency flying). However, under this clause, an officer who is assigned to the pay grade O–7 on the effective date of this Act [June 1, 1974], or is promoted to the pay grade O–7 during the 36-month period following the effective date of this Act [June 1, 1974], may not receive more than $160 per month while assigned to that grade.

The amount to which a reserve officer who is entitled to compensation under section 206 of title 37, United States Code, is entitled under this section is governed by the provisions of section 301a(d) of that title, as added by this Act."

ANNUAL REPORT BY DEPARTMENT OF DEFENSE

Section 5 of Pub. L. 93–294 provided that: "A yearly report containing such data as necessary to monitor the progress of this bill [Pub. L. 93–294] shall be made by the Department of Defense in cooperation with the Senate and House Armed Services Committees and released publicly."

EX. ORD. NO. 11800. DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 11800, Aug. 17, 1974, 39 F.R. 30103, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense, the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Commerce and the Secretary of Health, Education, and Welfare, with respect to members of the uniformed service under their respective jurisdictions, are hereby designated and empowered to exercise, without approval, ratification, or other action by the President, the functions vested in the President by section 301a of title 37 of the United States Code, as added by section 2(3) of the Aviation Career Incentive Act of 1974 (Public Law 93–294; 88 Stat. 177) [this section] with respect to entitlement of regular and reserve officers of the uniformed services, including flight surgeons and other medical officers, to aviation career incentive pay for the frequent and regular performance of operational or proficiency flying duty.

SEC. 2. This order is effective as of June 1, 1974.

GERALD R. FORD.

§ 302. Special pay: physicians.

An officer of the Army or Navy in the Medical Corps, an officer of the Air Force who is designated as a medical officer, or a medical officer of the Public Health Service, who is on active duty for a period of at least one year is entitled, in addition to any other pay or allowances to which he is entitled, to special pay at the following rates—

(1) $100 a month for each month of active duty if he has not completed two years of active duty in a category named in this section; or

(2) $350 a month for each month of active duty if he has completed at least two years of active duty in a category named in this section.

The amounts set forth in this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay. (As amended Pub. L. 92–129, title I, § 104, Sept. 28, 1971, 85 Stat. 355; Pub. L. 93–64, title II, § 201, July 9, 1973, 87 Stat. 149; Pub. L. 93–274, § 1(1), May 6, 1974, 88 Stat. 94.)

AMENDMENTS

1974—Pub. L. 93–274 reduced for uniformed services physicians the present four steps of special pay, which require the completion of ten years of active duty before attaining eligibility for the $350 per month maximum down to two steps, with the maximum being reached upon completion of two years of active duty, and repealed provisions relating to special pay for dentists. See section 302b of this title.

1973—Subsec. (a). Pub. L. 93–64 substituted "July 1, 1975" for "July 1, 1973", wherever appearing.

1971—Subsec. (a). Pub. L. 92–129 substituted "July 1, 1973" for "July 1, 1971", wherever appearing.

EFFECTIVE AND TERMINATION DATES OF 1974 AMENDMENT

Section 2 of Pub. L. 93–274 provided that: "The amendments made by this Act [enacting sections 302b and 313 of this title and amending this section and section 311

of this title] become effective on the first day of the first calendar month following the date of enactment [May 6, 1974]. Except for the provisions of section 313 of title 37, United States Code, as added by section 1(4) of this Act, which will expire on June 30, 1976, the authority for the special pay provided by this Act shall, unless otherwise extended by Congress, expire on June 30, 1977."

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–64 effective July 1, 1973, see section 206 of Pub. L. 93–64, set out as a note under section 401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 306 of this title.

§ 302a. Special pay: optometrists.

(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rate of $100 a month for each month of active duty:

(1) a commissioned officer—

(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

(B) of the Regular Air Force who is designated as an optometry officer; or

(C) who is an optometry officer of the Regular Corps of the Public Health Service;

who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1975; or who was designated as such an officer after the effective date of this section and before July 1, 1975;

(2) a commissioned officer—

(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

(B) of a reserve component of the Air Force who is designated as an optometry officer; or

(C) who is an optometry officer of the Reserve Corps of the Public Health Service;

who was on active duty on the effective date of this section as a result of a call or order to active duty for a period of at least one year; or who, after that date and before July 1, 1975, is called or ordered to active duty for such a period; and

(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was retired before that date and was ordered to active duty after that date and before July 1, 1975; or who, after the effective date of this section, was appointed from any of those categories.

(b) The amount set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay. (Added Pub. L. 92–129, title II, § 202(a), Sept. 28, 1971, 85 Stat. 357, and amended Pub. L. 93–64, title II, § 202, July 9, 1973, 87 Stat. 149.)

REFERENCES IN TEXT

For the effective date of this section, referred to in text, see Effective Date note below.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–64 substituted "July 1, 1975" for "July 1, 1973", wherever appearing.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–64 effective July 1, 1973, see section 206 of Pub. L. 93–64, set out as a note under section 401 of this title.

EFFECTIVE DATE

Section 209 of Pub. L. 92–129 provided that: "The foregoing provisions of this title [enacting this section and section 428 of this title and amending section 203(a) and 403(a) of this title and sections 2204 and 2207 of Title 50 Appendix] shall become effective on October 1, 1971, except that section 203 [enacting section 308a of this title] shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971, and section 206 [amending section 2203 of Title 50 Appendix] shall become effective July 1, 1971."

REDUCTION IN PAY PROHIBITED

Enactment of this section not to reduce the pay to which any member of the uniformed services was entitled on June 30, 1971, see section 210 of Pub. L. 92–129, set out as a note under section 203 of this title.

§ 302b. Special pay: dentists.

An officer of the Army or Navy in the Dental Corps, an officer of the Air Force who is designated as a dental officer, or a dental officer of the Public Health Service, who is on active duty for a period of at least one year is entitled, in addition to any other pay or allowances to which he is entitled, to special pay at the following rates—

(1) $100 a month for each month of active duty if he has not completed two years of active duty in the Dental Corps or as a dental officer;

(2) $150 a month for each month of active duty if he has completed at least two years of active duty in the Dental Corps or as a dental officer;

(3) $250 a month for each month of active duty if he has completed at least six years of active duty in the Dental Corps or as a dental officer; or

(4) $350 a month for each month of active duty if he has completed at least ten years of active duty in the Dental Corps or as a dental officer.

The amounts set forth in this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay. (Added Pub. L. 93–274, § 1(2), May 6, 1974, 88 Stat. 94.)

EFFECTIVE AND TERMINATION DATES

Section effective June 1, 1974, and the authority for the special pay to expire on June 30, 1977, unless otherwise extended by Congress, see section 2 of Pub. L. 93–274, set out as a note under section 302 of this title.

§ 303. Special pay: veterinarians.

(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rate of $100 a month for each month of active duty:

(1) a commissioned officer—

* * * * *

who was on active duty on June 29, 1953; who retired before that date and was ordered to active duty after that date and before July 1, 1975; or who was appointed or designated as such as officer after June 29, 1953, and before July 1, 1975;

(2) a commissioned officer—

* * * * *

who was on active duty on June 29, 1953, as a result of a call or order to active duty for a period

of at least one year; or who, after that date and before July 1, 1975, was called or ordered to active duty for such a period; and

(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2) of this subsection, in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on June 29, 1953; who was retired before that date and was ordered to active duty after that date and before July 1, 1975; or who after June 29, 1953, was appointed from one of those categories.

* * * * *

(As amended Pub. L. 92–129, title I, § 104, Sept. 28, 1971, 85 Stat. 355; Pub. L. 93–64, title II, § 203, July 9, 1973, 87 Stat. 149.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–64 substituted "July 1, 1975" for "July 1, 1973".

1971—Subsec. (a). Pub. L. 92–129 substituted "July 1, 1973" for "July 1, 1971", wherever appearing.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–64 effective July 1, 1973, see section 206 of Pub. L. 93–64, set out as a note under section 401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 306 of this title.

§ 308. Special pay: reenlistment bonus.

(a) A member of a uniformed service who—

(1) has completed at least twenty-one months of continuous active duty (other than for training) but not more than ten years of active duty;

(2) is designated as having a critical military skill by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy;

(3) is not receiving special pay under section 312a of this title; and

(4) reenlists or voluntarily extends his enlistment in a regular component of the service concerned for a period of at least three years;

may be paid a bonus, not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years, or the monthly fractions thereof, of additional obligated service, not to exceed six years, or $15,000, whichever is the lesser amount. Obligated service in excess of twelve years will not be used for bonus computation.

(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments.

(c) For the purpose of computing the reenlistment bonus in the case of an officer with prior enlisted service who may be entitled to a bonus under subsection (a) of this section, the monthly basic pay of the grade in which he is enlisted, computed in accordance with his years of service computed under section 205 of this title, shall be used instead of the monthly basic pay to which he was entitled at the time of his release from active duty as an officer.

(d) A member who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

(f) No bonus shall be paid under this section with respect to any reenlistment, or voluntary extension of an active-duty enlistment, in the armed forces entered into after June 30, 1977. (As amended Pub. L. 93–277, § 2(1), May 10, 1974, 88 Stat. 119.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–277 added subsec. (a). Former subsec. (a) which provided for payment of bonus to members reenlisting in a regular component of the service within three months after the date of discharge or release from compulsory or voluntary active duty, or voluntarily extending enlistment for at least two years, and not covered by section 207 of the Career Compensation Act of 1949, and which also provided a table for the computation of the amount of bonus, was omitted.

Subsec. (b). Pub. L. 93–277 added subsec. (b). Former subsec. (b) which made it ineligible to receive bonus for members reenlisting during the prescribed period of basic recruit training or after completion of 20 years of active Federal service, and which also provided for the computation of bonus to members enlisting before the completion of 20 years of active Federal service, by using as a multiplier only the number of years which, when added to the previous service total 20 years, was omitted.

Subsec. (c). Pub. L. 93–277 added subsec. (c). Former subsec. (c) which provided for a maximum limit of $2,000 payable as reenlistment bonus was omitted. See subsec. (a) of this section.

Subsec. (d). Pub. L. 93–277 added subsec. (d). Former subsec. (d) which provided that an officer of a uniformed service enlisting within three months after release from active duty as an officer would be entitled to a bonus computed under former subsec. (a) of this section only if he served as an enlisted member immediately before serving as an officer, and which defined monthly basic pay for the purposes of this subsection, was omitted.

Subsec. (e). Pub. L. 93–277 added subsec. (e). Former subsec. (e) which provided for refund of bonus by members who do not complete the term of enlistment was omitted. See subsec. (d).

Subsec. (f). Pub. L. 93–277 added subsec. (f). Former subsec. (f) which authorized the Secretary concerned to prescribe regulations for the administration of this section in his department was omitted. See subsec. (e) of this section.

Subsec. (g). Pub. L. 93–277 omitted subsec. (g) which provided for the payment of additional bonus to members of the Coast Guard having critical military skills.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 4 of Pub. L. 93–277 provided that: "The amendments made by this Act [amending this section and section 308a of this title and enacting provisions set out as notes under this section] become effective on the first day of the month following the date of enactment [May 10, 1974]."

SHORT TITLE

Section 1 of Pub. L. 93–277 provided: "That this Act [amending this section and section 308a of this title and enacting provisions set out as notes under this section] may be cited as the 'Armed Forces Enlisted Personnel Bonus Revision Act of 1974'."

OPTIONAL CHOICE OF REENLISTMENT BONUS

Section 3 of Pub. L. 93–277 provided that: "Notwithstanding section 308 of title 37, United States Code [this section], as amended by this Act [Pub. L. 93–277], a member of a uniformed service on active duty on the effective date of this Act [May 10, 1974], who would have been eligible, at the end of his current or subsequent enlistment, for the reenlistment bonus prescribed in section 308 (a) or (d) of that title [subsec. (a) or (d) of this sec-

tion], as it existed on the day before the effective date of this Act [May 10, 1974], shall continue to be eligible for the reenlistment bonus under that section [this section] as it existed on the day before the effective date of this act [May 10, 1974]. If a member is also eligible for the reenlistment bonus prescribed in that section [this section] as amended by this Act [Pub. L. 93–277], he may elect to receive either one of those reenlistment bonuses. However, a member's eligibility under section 308 (a) or (d) of that title [subsec. (a) or (d) of this section], as it existed on the day before the effective date of this Act [May 10, 1974], terminates when he has received a total of $2,000 in reenlistment bonus payments, received under either section 308 (a) or (d) of that title [subsec. (a) or (d) of this section] as it existed on the day before the effective date of this Act [May 10, 1974], or under section 308 of that title [this section] as amended by this Act [Pub. L. 93–277], or from a combination of both."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 312a of this title.

§ 308a. Special pay: enlistment bonus.

(a) Notwithstanding section 514(a) of title 10 or any other law, under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who enlists in an armed force for a period of at least four years in a skill designated as critical, or who extends his initial period of active duty in that armed force to a total of at least four years in a skill designated as critical, may be paid a bonus in an amount prescribed by the appropriate Secretary, but not more than $3,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the appropriate Secretary.

(b) Under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

(c) No bonus shall be paid under this section with respect to any enlistment or extension of an initial period of active duty in the armed forces made after June 30, 1977. (Added Pub. L. 92–129, title II, § 203 (a), Sept. 28, 1971, 85 Stat. 358, and amended Pub. L. 93–64, title II §, 204, July 9, 1973, 87 Stat. 149; Pub. L. 93–277, § 2(2), May 10, 1974, 88 Stat. 120.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–277 substituted provisions authorizing payment of enlistment bonus according to regulations to be issued, to persons enlisting in an armed force for at least four years in a skill designated as critical, and to those extending their initial period of active duty in the armed force to a total of at least four years in a skill designated as critical, for provisions authorizing payment of enlistment bonus to persons enlisting in the career field of Infantry, Field Artillery, or Tank and Amphibian Tractor in the Marine Corps for at least three years and to those extending their initial period of active duty in such a career field to a total of at least three years.

Subsec. (b). Pub. L. 93–277 substituted "Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy," for "Secretary of Defense,".

Subsec. (c). Pub. L. 93–277 substituted "June 30, 1977" for "June 30, 1974".

1973—Subsec. (a). Pub. L. 93–64, § 204(1), substituted in first sentence "the career field of Infantry, Armor, or Field Artillery Cannon in the Army, or the career field of Infantry, Field Artillery, or Tank and Amphibian Tractor in the Marine Corps", for "any combat element of an armed force" and "such a career field" for "a combat element of an armed force".

Subsec. (c). Pub. L. 93–64, § 204(2), substituted "June 30, 1974" for "June 30, 1973".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–277 effective on June 1, 1974, see section 4 of Pub. L. 93–277, set out as a note under section 308 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–64 effective July 1, 1973, see section 206 of Pub. L. 93–64, set out as a note under section 401 of this title.

EFFECTIVE DATE

Section effective on a date to be prescribed by the Secretary of Defense, but not earlier than Feb. 1, 1971, see section 209 of Pub. L. 92–129, set out as a note under section 302a of this title.

REDUCTION IN PAY PROHIBITED

Enactment of this section not to reduce the pay to which any member of the uniformed services was entitled on June 30, 1971, see section 210 of Pub. L. 92–129, set out as a note under section 203 of this title.

§ 309. Reserves; members of National Guard: additional pay for performance of administrative duty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 2024.

§ 310. Special pay: duty subject to hostile fire.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1079; title 20 section 1087ee.

§ 311. Special pay: continuation pay for physicians and dentists who extend their service on active duty.

(a) Under regulations to be prescribed by the Secretary of Defense, or by the Secretary of Health, Education, and Welfare, as appropriate, an officer of the Army or Navy in the Medical Corps above the pay grade of O–6 or such an officer who is below that pay grade who is undergoing initial residency training and who was on active duty on June 1, 1974, an officer of the Air Force who is designated as a medical officer and is above the pay grade of O–6 or such an officer who is below that pay grade who is undergoing initial residency training and who was on active duty on June 1, 1974, a medical officer of the Public Health Service above the pay grade of O–6 or such an officer who is below that pay grade who is undergoing initial residency training and who was on active duty on June 1, 1974, an officer of the Army or Navy in the Dental Corps, an officer of the Air Force who is designated as a dental officer, or a dental officer of the Public Health Service who—

* * * * *

(As amended Pub. L. 93–274, §1(3), May 6, 1974, 88 Stat. 95; Pub. L. 93–394, § 1, Aug. 29, 1974, 88 Stat. 792.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–394 inserted "or such an officer who is below that pay grade who is undergoing initial residency training and who was on active duty on

June 1, 1974" immediately after "pay grade of O–6" in three places in the opening paragraph.

Pub. L. 93–274 substituted "the Medical Corps above the pay grade of O–6, an officer of the Air Force who is designated as a medical officer and is above the pay grade of O–6, a medical officer of the Public Health Service above the pay grade of O–6, an officer of the Army or Navy in the Dental Corps, an officer of the Air Force who is designated as a dental officer, or dental officer of the Public Health Service" for "the Medical or Dental Corps, an officer of the Air Force who is designated as a medical officer or dental officer, or a medical or dental officer of the Public Health Service."

EFFECTIVE AND TERMINATION DATES OF 1974 AMENDMENTS

Section 2 of Pub. L. 93–394 provided that: "The amendment made by the Act [amending subsec. (a) of this section] shall be effective June 1, 1974."

Amendment by Pub. L. 93–274 effective June 1, 1974, and the authority for the special pay to expire on June 30, 1977, unless otherwise extended by Congress, see section 2 of Pub. L. 93–274, set out as a note under section 302 of this title.

§ 312. Special pay: nuclear-qualified officers extending period of active service.

(a) Under regulations to be prescribed by the Secretary of the Navy, an officer or the naval service who—

* * * * *

(2) Repealed. Pub. L. 92–581, § 1(2)(A), Oct. 27, 1972, 86 Stat. 1277.

* * * * *

(5) executes a written agreement to remain on active duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants for one period of four years in addition to any other period of obligated active service.

* * * * *

(c) Pursuant to regulations prescribed by the Secretary of the Navy and subject to such exceptions as may be prescribed in those regulations, refunds, on a pro rata basis, of sums paid pursuant to this section may be required if the officer having received the payment fails to complete the full period of four years of active duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants which he agreed to serve.

(d) Nothing in this section shall alter or modify the obligation of a regular officer to perform active service at the pleasure of the President. Completion of the additional period of four years' active service under this section shall in no way obligate the President to accept a resignation submitted by a regular officer at the end of the four-year period.

(e) The provisions of this section shall be effective only in the case of officers who, on or before June 30, 1975, execute the required written agreement to remain in active service. (As amended Pub. L. 92–581, § 1(1), (2), Oct. 27, 1972, 86 Stat. 1277.)

AMENDMENTS

1972—Pub. L. 92–581, § 1(1), struck out "submarine" in the section catchline.

Subsec. (a)(2). Pub. L. 92–581, § 1(2)(A), struck out cl. (2) which referred to officers of the naval service currently designated "qualified in submarines".

Subsec. (a)(5). Pub. L. 92–581, § 1(2)(B), substituted "on active duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants", for "in active submarine service".

Subsec. (c). Pub. L. 92–581, § 1(2)(C), substituted "duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants", for "submarine service".

Subsec. (d). Pub. L. 92–581, § 1(2)(D), struck out "submarine".

Subsec. (e). Pub. L. 92–581, § 1(2)(E), substituted "1975" for "1973".

§ 312a. Special pay: nuclear-trained and qualified enlisted members.

(a) Under regulations prescribed by the Secretary of Defense, an enlisted member of the naval service who—

(1) is entitled to basic pay;

(2) is currently qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(3) has completed at least six, but not more than ten, years of active duty and executes, when eligible, a reenlistment agreement for not less than two years;

may upon acceptance of the reenlistment agreement by the Secretary of the Navy or his designee, be paid a bonus not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years or the monthly fractions thereof of additional obligated service, not to exceed six years, or $15,000, whichever is the lesser amount.

(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments.

(c) An amount paid to a member under subsection (a) of this section is in addition to all other compensation to which he is entitled and does not count against the limitation prescribed by section 308(c) of this title concerning the total amount of reenlistment bonus that may be paid. However, if he receives payment under this section, he is not entitled to any further payments under section 308(g) of this title.

(d) Under regulations prescribed by the Secretary of the Navy, refunds, on a pro rata basis, of sums paid under subsection (a) of this section may be required, and further payments terminated, if the member who has received the payment fails to complete his reenlistment contract or fails to maintain his technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants.

(e) Provisions of this section shall be effective only in the cases of members who, on or before June 30, 1975, execute the required written agreement to remain in active service. (Added Pub. L. 92–581, § 1(3), Oct. 27, 1972, 86 Stat. 1277.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 308 of this title.

§ 313. Special pay: medical officers who execute active duty agreements.

(a) Under regulations prescribed by the Secretary of Defense or by the Secretary of Health, Education, and Welfare, as appropriate, and approved by the President, an officer of the Army or Navy in the Medical Corps, an officer of the Air Force who is designated as a medical officer, or a medical officer of the Public Health Service, who—

(1) is below the pay grade of O–7;

(2) is designated as being qualified in a critical specialty by the Secretary concerned;

(3) is determined by a board composed of officers in the medical profession under criteria prescribed by the Secretary concerned to be qualified to enter into an active duty agreement for a specified number of years;

(4) is not serving an initial active duty obligation of four years or less or is not serving the first four years of an initial active duty obligation of more than four years;

(5) is not undergoing intern or initial residency training; and

(6) executes a written active duty agreement under which he will receive incentive pay for completing a specified number of years of continuous active duty subsequent to executing such an agreement;

may, upon acceptance of the written agreement by the Secretary concerned, or his designee, and in addition to any other pay or allowances to which he is entitled, be paid an amount not to exceed $13,500 for each year of the active duty agreement. Upon acceptance of the agreement by the Secretary concerned, or his designee, and subject to subsections (b) and (c) of this section, the total amount payable becomes fixed and may be paid in annual, semiannual, or monthly installments, or in a lump sum after completion of the period of active duty specified in the agreement, as prescribed by the Secretary concerned.

(b) Under regulations prescribed by the Secretary of Defense, the Secretary concerned, or his designee, may terminate, at any time, an officer's entitlement to the special pay authorized by this section. In that event, the officer is entitled to be paid only for the fractional part of the period of active duty that he served, and he may be required to refund any amount he received in excess of that entitlement.

(c) Under regulations prescribed by the Secretary of Defense or by the Secretary of Health, Education, and Welfare, as appropriate, an officer who has received payment under this section and who voluntarily, or because of his misconduct, fails to complete the total number of years of active duty specified in the written agreement shall be required to refund the amount received that exceeds his entitlement under those regulations. If an officer has received less incentive pay than he is entitled to under those regulations at the time of his separation from active duty, he shall be entitled to receive the additional amount due him.

(d) This section does not alter or modify any other service obligation of an officer. Completion of the agreed period of active duty, or other termination of an agreement, under this section does not entitle an officer to be separated from the service, if he has any other service obligation.

(e) The Secretary of Defense and the Secretary of Health, Education, and Welfare shall each submit a written report each year to the Committees on Armed Services of the Senate and House of Representatives regarding the operation of the special pay program authorized by this section. The report shall be on a fiscal year basis and shall contain—

(1) a review of the program for the fiscal year in which the report is submitted; and

(2) the plan for the program for the succeeding fiscal year.

This report shall be submitted not later than April 30 of each year, beginning in 1975. (Added Pub. L. 93–274, § 1(4), May 6, 1974, 88 Stat. 95.)

EFFECTIVE AND TERMINATION DATES

Section effective June 1, 1974, and to expire on June 30, 1976, see section 2 of Pub. L. 93–274, set out as a note under section 302 of this title.

Chapter 7.—ALLOWANCES

Sec.
406b. Travel and transportation allowances: members of the Uniformed Services attached to a ship overhauling or inactivating away from home port.
411b. Travel and transportation allowances: travel performed in connection with certain leave.
428. Allowance for recruiting expenses.

AMENDMENTS

1973—Pub. L. 93–213, § 1(2), Dec. 28, 1973, 87 Stat. 910, added item 411b.

Pub. L. 93–170, § 1(2), Nov. 29, 1973, 87 Stat. 689, substituted "overhauling or inactivating" for "overhauling" in item 406b.

1971—Pub. L. 92–129, title II, § 205(b), Sept. 28, 1971, 85 Stat. 359, added item 428.

§ 401. Definitions.

In this chapter, "dependent", with respect to a member of a uniformed service, means—

* * * * *

(2) his unmarried child (including any of the following categories of children if such child is in fact dependent on the member: a stepchild; an adopted child; or an illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

(A) is under 21 years of age; or

(B) is incapable of self-support because of a mental or physical incapacity, and in fact dependent on the member for over one-half of his support; and

(3) his parent (including a stepparent or parent by adoption, and any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least five years before the member became 21 years of age) who is in fact dependent on the member for over one-half of his support; however, the dependency of such a parent is determined on the basis of an affidavit submitted by the parent, and any other evidence required under regulations prescribed by the Secretary concerned, and he is not considered a dependent of the member claiming the dependence unless—

(A) the member has provided over one-half of his support for the period prescribed by the Secretary concerned; or

(B) due to changed circumstances arising after the member enters on active duty, he becomes in fact dependent on the member for over one-half of his support.

For the purposes of this section, the relationship between a stepparent and his stepchild is terminated

by the stepparent's divorce from the parent by blood. (As amended Pub. L. 93–64, title I, §§ 103, 104, July 9, 1973, 87 Stat. 148.)

AMENDMENTS

1973—Cl. (2). Pub. L. 93–64, § 103(1), in revising cl. (1) of first sentence, substituted "unmarried child" for "unmarried legitimate child" and defined dependent to include an illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member.

Cl. (3). Pub. L. 93–64, § 104, in revising cl. (3) of first sentence, substituted "five years before the member became 21 years" for "five years before he became 21 years", struck out requirement of actual residence of parent in the member's household, and added provision respecting determination of dependency of parent, including items (A) and (B), formerly contained in former section 2201 of Appendix to Title 50, War and National Defense.

Closing text. Pub. L. 93–64, § 103(2), struck out second sentence, following cl. (3) of first sentence, stating that a person is not a dependent of a female member unless he is in fact dependent on her for over one-half of his support.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 206 of Pub. L. 93–64 provided that: "This Act [enacting section 1173 of Title 10, amending sections 302, 302a, 303, 308 (a), (c), 401, and 403 of this title, and repealing sections 2210–2212 of Title 50, Appendix] shall become effective July 1, 1973."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 2002; title 50 App. section 2201.

§ 402. Basic allowance for subsistence.

(a) Except as otherwise provided by law, each member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for subsistence as set forth in this section.

(b) An enlisted member is entitled to the basic allowance for subsistence, on a daily basis, of one of the following types—

(1) When rations in kind are not available;

(2) When permission to mess separately is granted; and

(3) When assigned to duty under emergency conditions where no messing facilities of the United States are available.

The allowance to an enlisted member, when authorized, may be paid in advance for a period of not more than three months. An enlisted member is entitled to the allowance while on an authorized leave of absence or while confined to a hospital, but not while being subsisted at the expense of the United States. The allowance for an enlised member who is authorized to receive the basic allowance for subsistence under this subsection is at the rate prescribed in accordance with section 1009 of this title. Unless he is entitled to basic pay under chapter 3 of this title, an enlisted member of a reserve component of a uniformed service, or of the National Guard, is entitled, in the discretion of the Secretary concerned, to rations in kind, or a part thereof, when the instruction or duty periods, described in section 206(a) of this title, total at least eight hours in a calendar day.

(c) An officer of a uniformed service who is entitled to basic pay is, at all times, entitled to the basic allowances for subsistence at the monthly rate prescribed in accordance with section 1009 of this title. An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for subsistence as is provided for an officer of the Navy, Air Force, Marine Corps, or Coast Guard, respectively.

(d) Under regulations and in areas prescribed by the Secretary of Defense, an enlisted member who is granted permission to mess separately, and whose duties require him to buy as least one meal from other than a messing facility of the United States, is entitled to not more than the pro rata allowance authorized for each such meal for an enlisted member when rations in kind are not available.

(e) The President may prescribe regulations for the administration of this section. (As amended Pub. L. 93–419, § 3(1)–(5), Sept. 19, 1974, 88 Stat. 1152.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–419, § 3(1), struck out "this section or by another" following "otherwise provided by" and substituted "as set forth in this section" for "in the amount set forth in subsection (d) of this section".

Subsec. (b). Pub. L. 93–419, § 3(2), substituted provisions for allowance for enlisted members authorized to receive basic allowance for subsistence under this subsection by reference to section 1009 of this title for provisions for allowance for enlisted members on leave or were authorized to mess separately at an amount equal to the cost of ration to be determined by the Secretary of Defense.

Subsec. (c). Pub. L. 93–419, § 3(3), added reference to section 1009 of this title in provisions relating to the amount of basic allowance for subsistence.

Subsec. (d). Pub. L. 93–419, § 3(4), (5), redesignated former subsec. (e) as (d). Former subsec. (d) relating to basic allowance for subsistence for members of the uniformed services was repealed.

Subsec. (e). Pub. L. 93–419, § 3(5), redesignated former subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 93–419, § 3(5), redesignated former subsec. (f) as (e).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–419 effective Sept. 19, 1974, see section 9 of Pub. L. 93–419, set out as a note under section 1009 of this title.

ADJUSTMENT OF ALLOWANCES FOR SUBSISTENCE

For adjustment of subsistence allowances effective Oct. 1, 1975, see Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 1009 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 419, 1003, 1009 of this title; title 10 section 6912; title 14 section 372; title 32 section 107; title 38 section 2024.

§ 403. Basic allowance for quarters.

(a) Except as otherwise provided by law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the monthly rates prescribed in accordance with section 1009 of this title, according to the pay grade in which he is assigned or distributed for basic pay purposes.

(b) Except as otherwise provided by law, a member of a uniformed service who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service, appropriate to his grade, rank, or rating and adequate for himself, and his dependents, if with dependents, is not entitled to a basic allowance for quarters. However, except as provided by regulations prescribed under subsection (j) of this section, a com-

missioned officer without dependents who is in a pay grade above pay grade O–3 and who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service, appropriate to his grade or rank and adequate for himself, may elect not to occupy those quarters and instead to receive the basic allowance for quarters prescribed for his pay grade by this section.

* * * * *

(g) An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for quarters as a member of the uniformed services in pay grade E–4.

(h) The Secretary concerned, or his designee, may make any determination necessary to administer this section with regard to enlisted members, including determinations of dependency and relationship, and may, when warranted by the circumstances, reconsider and change or modify any such determination. This authority may be redelegated by the Secretary concerned or his designee. Any determination made under this section with regard to enlisted members is final and is not subject to review by any accounting officer of the United States or a court, unless there is fraud or gross negligence.

(i) Notwithstanding any other provision of law, the basic allowance for quarters to which an enlisted member may be entitled as a member with dependents shall not, for such period as the Secretary concerned may prescribe, be contingent on the right of such member to receive pay.

(j) The President may prescribe regulations for the administration of this section, including definitions of the words "field duty" and "sea duty". (As amended Pub. L. 92–129, title II, § 204, Sept. 28, 1971, 85 Stat. 358; Pub. L. 93–64, title I, § 105, July 9, 1973, 87 Stat. 148; Pub. L. 93–419, § 3(6), Sept. 19, 1974, 88 Stat. 1152.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–419 substituted reference to section 1009 of this title for provisions setting out in tables the rates of basic allowance for quarters for members of uniformed services.

1973—Subsec. (a). Pub. L. 93–64, § 105(1), (2), substituted in the table provisions reading:

"E–4	$81.60	$121.50
E–3	72.30	105.00
E–2	63.90	105.00
E–1	60.00	105.00"

for former provisions reading:

"E–4 (over 4 years' service)	81.60	121.50
E–4 (4 years' or less service)	45.00	45.00
E–3	45.00	45.00
E–2	45.00	45.00
E–1	45.00	45.00"

and deleted sentence reading "A member in pay grade E–4 (less than four years' service), E–3, E–2, or E–1 is considered at all times to be without dependents."

Subsec. (b). Pub. L. 93–64, § 105(3), substituted in second sentence reference to subsection "(j)" for "(g)".

Subsec. (g). Pub. L. 93–64, § 105(4), added subsec. (g). Former subsec. (g) redesignated (j).

Subsec. (h), (i). Pub. L. 93–64, § 105(4), added subsecs. (h) and (i).

Subsec. (j). Pub. L. 93–64, § 105(5), redesignated former subsec. (g) as (j).

1971—Subsec. (a). Pub. L. 92–129 increased the quarters allowances as shown on the table. Prior to this amendment the table was set out as follows:

"Pay grade	Without dependents	With dependents	Pay grade	Without dependents	With dependents
O–1	$160.20	$201.00	W–1	$85.20	$110.10
O–9	160.20	201.00	E–9	85.20	120.00
O–8	160.20	201.00	E–8	85.20	120.00
O–7	160.20	201.00	E–7	75.00	114.90
O–6	140.10	170.10	E–6	70.20	110.10
O–5	130.20	157.50	E–5	70.20	105.00
O–4	120.00	145.05	E–4 (over 4 years' service)	70.20	105.00
O–3	105.00	130.05	E–4 (4 years' or less service)	45.00	45.00
O–2	95.10	120.00	E–3	45.00	45.00
O–1	85.20	110.10	E–2	45.00	45.00
W–4	120.00	145.05	E–1	45.00	45.00"
W–3	105.00	130.05			
W–2	95.10	120.00			

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–419 effective Sept. 19, 1974, see section 9 of Pub. L. 93–419, set out as a note under section 1009 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–64 effective July 1, 1973, see section 206 of Pub. L. 93–64, set out as a note under section 401 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–129 effective Oct. 1, 1971, see section 209 of Pub. L. 92–129, set out as a note under section 302a of this title.

ADJUSTMENT OF ALLOWANCES FOR QUARTERS

For adjustment of quarters allowances effective Oct. 1, 1975, see Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 1009 of this title.

REDUCTION IN PAY PROHIBITED

Amendment of this section by Pub. L. 92–129 not to reduce the pay to which any member of the uniformed services was entitled on June 30, 1971, see section 210 of Pub. L. 92–129, set out as a note under section 203 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 407, 419, 1003, 1009 of this title; title 32 section 107; title 50 App. sections 2202, 2204.

§ 404. Travel and transportation allowances: general.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 411b of this title.

§ 405a. Travel and transportation allowances: evacuation allowances.

EFFECTIVE DATE

Section 2 of Pub. L. 89–26, as amended by section 1 of Pub. L. 89–608, Sept. 30, 1966, 80 Stat. 851, and Pub. L. 92–176, Dec. 2, 1971, 85 Stat. 494, provided that: "This Act [enacting this section and amending sections 407, 411, and 1006 of this title] becomes effective on February 1, 1965."

§ 406. Travel and transportation allowances: dependents; baggage and household effects.

FUNERAL TRANSPORTATION AND LIVING EXPENSE BENEFITS; VIETNAM CONFLICT

Pub. L. 93–257, Mar. 29, 1974, 88 Stat. 53, provided that:

"Section 1 [Short title]. This Act may be cited as the 'Funeral Transportation and Living Expense Benefits Act of 1974'.

"Sec. 2 [Findings]. (a) The United States did in 1973 provide transportation and other amenities to families of five hundred and fifty-six returned prisoners of war for reunions upon these men's arrival in the continental United States after release from imprisonment by the government of the Democratic Republic of Vietnam and did in 1973 also provide transportation and other amenities to these returned prisoners of war and their families to attend ceremonies in their honor in Washington, District of Columbia.

"(b) The remains of other prisoners of war, having died in captivity in Southeast Asia, are now being returned to the United States for burial.

"(c) The United States owes no lesser degree of respect, honor or solicitude to the memories of the men who died in captivity and their families than in the cases of those who survived and returned alive to the United States.

"(d) It is fitting and proper, therefore, as a mark of respect to those men who died in captivity while serving in the Armed Forces of the United States, that comparable courtesies and amenities be extended to the families of these deceased military personnel.

"Sec. 3 [Benefits; deceased prisoners of war or members missing in action; eligible family members]. (a) The Secretary of Defense is authorized to provide funeral transportation and living expenses benefits for the family of any deceased member of the Armed Forces who shall have died while classified as a prisoner of war or as missing in action during the Vietnam conflict and whose remains shall have been returned to the United States after January 27, 1973.

"(b) Such benefits shall include transportation round-trip from such family members' places of residence to the place of burial for such deceased member of the Armed Forces, living expenses and other such allowances as the Secretary shall be deem appropriate.

"(c) Eligible family members shall include the deceased's widow, children, stepchildren, mother, father, stepfather and stepmother, or if none of these shall desire to be granted such benefits, the deceased's brothers, sisters, halfbrothers and halfsisters."

§ 406b. Travel and transportation allowances: members of the Uniformed Services attached to a ship overhauling or inactivating away from home port.

Under regulations prescribed by the Secretary concerned, a member of the Uniformed Services who is on permanent duty aboard a ship which is being overhauled or inactivated away from its home port and whose dependents are residing at the home port of the ship is entitled to transportation, transportation in kind reimbursement for personally procured transportation, or an allowance for transportation as provided in section 404(d)(3) of this chapter for round trip travel from the port of overhaul or inactivation to the home port on or after the thirty-first, ninety-first, and one hundred and fifty-first calendar day after the date on which the ship enters the overhaul or inactivation port or after the date on which the member becomes permanently attached to the ship, whichever date is later: *Provided, however,* That in no event shall the amount of reimbursement for personally procured transportation or allowance for transportation exceed the cost of Government-procured commercial round trip air travel. (As amended Pub. L. 93–170, Nov. 29, 1973, 87 Stat. 689.)

AMENDMENTS

1973—Pub. L. 93–170 substituted "overhauling or inactivating" for "overhauling" in the section catchline, and "overhauled or inactivated" and "overhaul or inactivation" for "overhauled" and "overhaul" respectively, wherever appearing.

§ 407. Travel and transportation allowances: dislocation allowance.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89–26 effective Feb. 1, 1965, see section 2 of Pub. L. 89–26, as amended by section 1 of Pub. L. 89–608, Sept. 30, 1966, 80 Stat. 851, and Pub. L. 92–176, Dec. 2, 1971, 85 Stat. 494, set out as a note under section 405a of this title.

§ 409. Travel and transportation allowances: trailers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 554 of this title.

§ 411. Travel and transportation allowances: administrative provisions.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89–26 effective Feb. 1, 1965, see section 2 of Pub. L. 89–26, as amended by section 1 of Pub. L. 89–608, Sept. 30, 1966, 80 Stat. 851, and Pub. L. 92–176, Dec. 2, 1971, 85 Stat. 494, set out as a note under section 405a of this title.

§ 411b. Travel and transportation allowances: travel performed in connection with certain leave.

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service stationed outside the forty-eight contiguous States and the District of Columbia who is ordered to make a change of permanent station to another duty station outside the forty-eight contiguous States and the District of Columbia may be paid travel and transportation allowances in connection with authorized leave from his last duty station to a place approved by the Secretary concerned, or his designee, or to a place no farther distant than his home of record if he is a member without dependents, and from that place to his designated post of duty, if either his last duty station or his designated post of duty is a restricted area in which dependents are not authorized.

(b) The allowances prescribed under this section may not exceed the rate authorized under section 404(d) of this title. Authorized travel under this section is performed in a duty status. (Added Pub. L. 93–213, § 1(1), Dec. 28, 1973, 87 Stat. 910.)

§ 428. Allowance for recruiting expenses.

In addition to other pay or allowances authorized by law, and under uniform regulations prescribed by the Secretaries concerned, a member who is assigned to recruiting duties for his armed force may be reimbursed for actual and necessary expenses incurred in connection with those duties. (Added Pub. L. 92–129, title II, § 205(a), Sept. 28, 1971, 85 Stat. 359.)

EFFECTIVE DATE

Section effective Oct. 1, 1971, see section 209 of Pub. L. 92–129, set out as a note under section 302a of this title.

REDUCTION IN PAY PROHIBITED

Enactment of this section not to reduce the pay to which any member of the uniformed services was entitled on June 30, 1971, see section 210 of Pub. L. 92–129, set out as a note under section 203 of this title.

Chapter 9.—LEAVE

§ 501. Payments for unused accrued leave.

* * * * *

(d) Payments for unused accrued leave under subsections (b) and (g) of this section and for accumulated leave under subsection (h) of this section, in the case of a member who dies while on active duty or in the case of a member or former member who dies after retirement or discharge and before he receives that payment, shall be made in accordance with section 2771 of title 10. In the case of a member who dies while on active duty, payment for unused accrued leave under subsections (b) and (g) of

this section shall be based upon the unused accrued leave the member carried forward into the leave year during which he died plus the unusued[1] leave that accrued to him during that leave year. However, the number of days upon which the payment is based may not be more than 60.

* * * * *

(h) Payment shall be made for all leave accumulated under section 701(g) of title 10 as soon as possible after the name of the person concerned is removed from a missing status, as defined in section 551(2) of this title.

* * * * *

(As amended Pub. L. 92–596, § 2, Oct. 27, 1972, 86 Stat. 1318.)

CODIFICATION

Subsection (a) (2), (3), and (4) purports to define "child", "parent", and "brother or sister", as used in subsection (d). However, subsection (d) was restated by Pub. L. 89–151 and, as restated, contains a new order of precedence in the payment of accrued leave (i.e., 10 U.S.C. 2771). That new order of precedence is different for the order it replaced. As a result, the definitions contained in subsection (a) (2), (3), and (4) have no area of operation, and probably should have been repealed by Pub. L. 89–151.

AMENDMENTS

1972—Subsec. (d). Pub. L. 92–596, § 2(1), added reference to accumulated leave under subsection (h) of this section.

Subsec. (h). Pub. L. 92–596, § 2(2), added subsec. (h).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–596 effective Feb. 28, 1961, see section 3 of Pub. L. 92–596, set out as a note under section 701 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the note under this section in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 8524; title 10 section 701.

§§ 502, 503.

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the notes under these sections in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

Chapter 10.—PAYMENTS TO MISSING PERSONS

Sec.

554. Travel and transportation; dependents; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.

AMENDMENTS

1972—Pub. L. 92–477, § 1(1), Oct. 9, 1972, 86 Stat. 793, inserted in item 554 reference to "trailers; additional movements;" following "household and personal effects;".

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 10 section 1482.

§ 551. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 501 of this title; title 10 sections 701, 4342, 6954, 9342; title 26 section 112; title 50 App. section 591.

[1] So in original.

§ 552. Pay and allowances; continuance while in a missing status; limitations.

(a) A member of a uniformed service who is on active duty or performing inactive-duty training, and who is in a missing status, is—

(1) for the period he is in that status, entitled to receive or have credited to his account the same pay and allowances, as defined in this chapter, to which he was entitled at the beginning of that period or may thereafter become entitled; and

(2) for the period, not to exceed one year, required for his hospitalization and rehabilitation after termination of that status, under regulations prescribed by the Secretaries concerned, with respect to incentive pay, considered to have satisfied the requirements of section 301 of this title so as to entitle him to a continuance of that pay.

However, a member who is performing full-time training duty or other full-time duty without pay, or inactive-duty training with or without pay, is entitled to the pay and allowances to which he would have been entitled if he had been on active duty with pay. Notwithstanding section 1523 of title 10 or any other provision of law, the promotion of a member while he is in a missing status is fully effective for all purposes, even though the Secretary concerned determines under section 556(b) of this title that the member died before the promotion was made.

* * * * *

(As amended Pub. L. 92–169, § 1, Nov. 24, 1971, 85 Stat. 489; Pub. L. 92–482, Oct. 12, 1972, 86 Stat. 796; Pub. L. 93–26, § 1, Apr. 27, 1973, 87 Stat. 26.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–26 provided for full effectiveness for all purposes of promotion of a member while he is in a missing status notwithstanding a determination of the Secretary of death of the member before the making of the promotion.

1972—Subsec. (a). Pub. L. 92–482 designated existing provisions as cl. (1), added cl. (2), and struck out provisions relating to the effectiveness of the promotion of a member of the uniformed services while he is in a missing status and the Secretary concerned determines under section 556(b) of this title that the member died before the promotion was made.

1971—Subsec. (a). Pub. L. 92–169 provided that the promotion of a member of the uniformed services while he is in a missing status is fully effective for all purposes even though the Secretary concerned determines that the member died before the promotion was made.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 2 of Pub. L. 93–26 provided that: "For the purposes of chapter 13 of title 38, United States Code, this Act [amending subsec. (a) of this section] becomes effective as of November 24, 1971. For all other purposes this Act [amending subsec. (a) of this section] becomes effective as of February 28, 1961."

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment, by Pub. L. 92–169 effective for the purposes of Chapter 13 of Title 38, Veterans' Benefits, on Nov. 24, 1971 and for all other purposes effective as of Feb. 28, 1961, see section 3 of Pub. L. 92–169, set out as a note under section 402 of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 533, 555, 556, 557 of this title; title 10 section 1524; title 26 sections 112, 6013.

§ 554. Travel and transportation; dependents; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.

(a) In this section, "household and personal effects" and "household effects" may include, in addition to other authorized weight allowances, one privately owned motor vehicle which may be shipped at United States expense. Under regulations prescribed by the Secretaries concerned, and in place of the transportation of household and personal effects, a dependent, who would otherwise be entitled to transportation of household and personal effects under this section, may transport a house trailer or mobile dwelling within and between the areas specified in section 409 of this title for use as a residence by one of the following means—

(1) transport it and be reimbursed by the United States;

(2) deliver it to an agent of the United States for transportation by the United States or by commercial means; or

(3) have it transported by commercial means and be reimbursed by the United States.

If a trailer or dwelling is transported under clause (2) or (3) of this subsection, that transportation may include one privately owned motor vehicle which may be shipped at United States expense. Transportation, and incidental costs, authorized by this section shall be at United States expense without any cost limitation, and any payment authorized may be made in advance of the transportation concerned.

(b) Transportation (including packing, crating, drayage, temporary storage, and unpacking of household and personal effects) may be provided for the dependents and household and personal effects of a member of a uniformed service on active duty (without regard to pay grade) who is officially reported as dead, injured, ill, or absent for a period of more than 29 days in a missing status—

(1) to the member's official residence of record;

(2) to the residence of his dependent, next of kin, or other person entitled to custody of the effects, under regulations prescribed by the Secretary concerned; or

(3) on request of the member (if injured or ill), or his dependent, next of kin, or other person described in clause (2), to another location determined in advance or later approved by the Secretary concerned, or his designee.

When he considers it necessary, the Secretary concerned may, with respect to the household and personal effects of a member who is officially reported as absent for a period of more than 29 days in a missing status, authorize the nontemporary storage of those effects for a period of one year, or longer when justified. In addition, he may authorize additional movements of, and prescribe transportation for, the dependents and household and personal effects, or the dependents and house trailer or mobile dwelling, of a member who is officially reported as absent for a period of more than one year in a missing status.

(c) When a member described in subsection (b) of this section is in an injured or ill status, transportation of dependents and household and personal effects authorized by this section may be provided only when prolonged hospitalization or treatment is anticipated.

* * * * *

(As amended Pub. L. 92–477, § 1, Oct. 9, 1972, 86 Stat. 793; Pub. L. 93–548, § 3, Dec. 26, 1974, 88 Stat. 1743.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–548, § 3(1)(A), added "ill," following "injured,".

Subsec. (b)(3). Pub. L. 93–548, § 3(1)(B), added "or ill" following "injured".

Subsec. (c). Pub. L. 93–548, § 3(2), added "or ill" preceding "status".

1972—Pub. L. 92–477, § 1(1), inserted in the section catchline reference to "trailers; additional movements;" following "household and personal effects;".

Subsec. (a). Pub. L. 92–477, § 1(2), authorized at Government expense without cost limitation and under prescribed regulations the transportation of house trailers or mobile dwellings, including a privately owned motor vehicle, in place of household and personal effects of members in a missing status.

Subsec. (b). Pub. L. 92–477, § 1(3), authorized additional movements of and transportation for dependents and household and personal effects, or dependents and house trailer or mobile dwelling of members in a missing status for more than one year.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 4 of Pub. L. 93–548 provided that: "The amendments made by section 3 of this Act [amending this section] shall apply with respect to members of the uniformed services incapacitated by illness on or after January 1, 1974."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1524.

§ 555. Secretarial review.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 701.

§ 556. Secretarial determinations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 552 of this title; title 10 section 701; title 26 sections 2, 692; title 38 section 2001.

Chapter 13.—ALLOTMENTS AND ASSIGNMENTS OF PAY

Sec.
707. Allotments: members of the National Guard.

AMENDMENTS

1974—Pub. L. 93–289, § 11(c), May 24, 1974, 88 Stat. 173, added item 707.

§ 706. Commissioned officers of Environmental Science Services Administration.

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the note under this section in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

§ 707. Allotments: members of the National Guard.

(a)[1] The Secretary of the Army or the Secretary of the Air Force, as the case may be, may allow a member of the National Guard who is not on active duty to make allotments from his pay under sections 204 and 206 of this title for the payment of premiums under a group life insurance program sponsored by the military department of the State in which such member holds his National Guard mem-

[1] Section enacted without a subsec. (b).

bership or by the National Guard association of such State if the State or association concerned has agreed in writing to reimburse the United States for all costs incurred by the United States in providing for such allotments. The amount of such costs and procedures for reimbursements shall be determined by the Secretary of Defense and his determination shall be conclusive. All amounts of reimbursements for such costs received by the United States from a State or an association shall be credited to the appropriations or funds against which charges have been made for such costs. (Added Pub. L. 93–289, § 11(a), May 24, 1974, 88 Stat. 172.)

LIABILITY OF UNITED STATES FOR LOSSES OR DAMAGES

Section 11(b) of Pub. L. 93–289 provided that: "The United States shall not be liable for any losses or damages suffered by any person as the result of any error made by any officer or employee of the United States in administering the allotment program authorized under subsection (a) [this section]."

Chapter 15.—PROHIBITIONS AND PENALTIES

§ 801. Restriction on payment to certain officers.

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the note under this section in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

Chapter 19.—ADMINISTRATION

Sec.
1009. Adjustments of compensation.

AMENDMENTS

1974—Pub. L. 93–419, § 4, Sept. 19, 1974, 88 Stat. 1152, added item 1009.

§ 1001. Regulations relating to pay and allowances.

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the note under this section in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

§ 1002. Additional training or duty without pay: Reserves and members of National Guard.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 2024.

§ 1006. Advance payments.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89–26, effective Feb. 1, 1965, see section 2 of Pub. L. 89–26, as amended by section 1 of Pub. L. 89–608, Sept. 30, 1966, 80 Stat. 851, and Pub. L. 92–176, Dec. 2, 1971, 85 Stat. 494, set out as a note under section 405a of this title.

§ 1009. Adjustments of compensation.

(a) Whenever the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5, United States Code, is adjusted upward, the President shall immediately make an upward adjustment in the—

(1) monthly basic pay authorized members of the uniformed services by section 203(a) of this title;

(2) basic allowance for subsistence authorized enlisted members and officers by section 402 of this title; and

(3) basic allowance for quarters authorized members of the uniformed services by section 403 (a) of this title.

(b) An adjustment under this section shall have the force and effect of law and shall—

(1) carry the same effective date as that applying to the compensation adjustments provided General Schedule employees;

(2) be based on the rates of the various elements of compensation as defined in, or made under, section 8 of the Act of December 16, 1967 (Public Law 90–207; 81 Stat. 654), section 402 or 403 of this title, or this section; and

(3) provide all eligible members with an increase in each element of compensation, set forth in subsection (a) of this section, which is of the same percentage as the overall average percentage increase in the General Schedule rates of basic pay for civilian employees.

(Added Pub. L. 93–419, § 4, Sept. 19, 1974, 88 Stat. 1152.)

REFERENCES IN TEXT

Section 8 of the Act of December 16, 1967 (Public Law 90–207; 81 Stat. 654), referred to in subsec. (b)(2), was set out as a note under section 203 of this title, and was repealed by section 8 of Pub. L. 93–419.

EFFECTIVE DATE

Section 9 of Pub. L. 93–419 provided that: "This Act [enacting this section, amending sections 101, 203, 402 and 403 of this title, and enacting provisions set out as notes under this section] is effective upon enactment [Sept. 19, 1974]."

LIMITS OF UPWARD ADJUSTMENT OF COMPENSATION

Section 819 of Pub. L. 94–106, title VIII, Oct. 7, 1975, 89 Stat. 544, provided that:

"(a) Notwithstanding any other provision of law, the aggregate amount of any upward adjustments in certain elements of compensation of members of the uniformed services required by section 1009 of title 37, United States Code [this section], may not exceed 5 per centum during the period from January 1, 1975, through June 30, 1976, except that no such restriction shall apply unless a 5 per centum restriction on the aggregate amount of upward adjustments of the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5, United States Code, is also required during that period.

"(b) No reduction in compensation is required under subsection (a) of any upward adjustment that may have been put into effect under section 1009 of title 37, United States Code, between January 1, 1975, and the date of enactment of this section [Oct. 7, 1975].

"(c) Any upward adjustment in compensation which has been limited by subsection (a) of this section to an amount or amounts less than otherwise would have been in effect shall not be increased subsequent to June 30, 1976—

"(1) in order to compensate a member for the difference between the amounts he has received under the provisions of subsection (a) and the amounts he would have otherwise received; or

"(2) except in accordance with the normal procedures and timing which would have been in effect for any such pay increase subsequent to June 30, 1976, without regard to any limitation under subsection (a) of this section."

RATES OF MONTHLY BASIC PAY

Section 5 of Pub. L. 93–419 provided that: "Until the effective date of the first upward adjustment in the rates of monthly basic pay for members of the uniformed services made by the President under section 1009 of title 37, United States Code, as added by section 4 of this Act, after the effective date of this Act [Sept. 19, 1974], the rates of monthly basic pay for members of the uniformed services authorized by section 203(a) of that title are those prescribed by Executive Order 11740 of October 3, 1973, which became effective on October 1, 1973."

RATES OF BASIC ALLOWANCE FOR SUBSISTENCE

Section 6 of Pub. L. 93-419 provided that: "Until the effective date of the first upward adjustment in the rates of basic allowance for subsistence for enlisted members and officers made by the President under section 1009 of title 37, United States Code, as added by section 4 of this Act, after the effective date of this Act [Sept. 19, 1974], the rates prescribed under section 402 of title 37, United States Code, as it existed on the date before the effective date of this Act, shall continue in effect."

RATES OF BASIC ALLOWANCE FOR QUARTERS

Section 7 of Pub. L. 93-419 provided that: "Until the effective date of the first adjustment in the rates of basic allowance for quarters for members of the uniformed services made by the President under section 1009 of title 37, United States Code, as added by section 4 of this Act, after the effective date of this Act [Sept. 19, 1974], the rates of basic allowance for quarters prescribed in section 403 (a) of title 37, United States Code, as it existed on the day before the effective date of this Act, shall continue in effect."

EXECUTIVE ORDER NO. 11812

Ex. Ord. No. 11812, Oct. 7, 1974, 39 F.R. 36307, formerly set out as note under this section, which provided for the adjustment of pay rates effective Oct. 1, 1974, was superseded by Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 5332 of Title 5, Government Organization and Employees.

ADJUSTMENT OF PAY RATES EFFECTIVE OCTOBER 1, 1975

Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 5332 of Title 5, Government Organization and Employees, provided for an adjustment of pay rates under this section effective Oct. 1, 1975. See Schedule set out below:

PART I

MONTHLY BASIC PAY

COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205			
	2 or less	Over 2	Over 3	Over 4
O-10 [1]	$2,841.00	$2,940.90	$2,940.90	$2,940.90
O-9	2,517.90	2,584.20	2,639.10	2,639.10
O-8	2,280.60	2,349.00	2,404.80	2,404.80
O-7	1,894.80	2,024.10	2,024.10	2,024.10
O-6	1,404.60	1,543.50	1,644.00	1,644.00
O-5	1,123.20	1,319.40	1,410.30	1,410.30
O-4	947.10	1,152.60	1,230.30	1,230.30
O-3 [2]	880.20	983.70	1,051.50	1,163.70
O-2 [2]	767.10	838.20	1,006.80	1,040.40
O-1 [2]	666.00	693.30	838.20	838.20

COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205			
	Over 6	Over 8	Over 10	Over 12
O-10 [1]	$2,940.90	$3,053.70	$3,053.70	*$3,287.70
O-9	2,639.10	2,706.00	2,706.00	2,818.20
O-8	2,404.80	2,584.20	2,584.20	2,706.00
O-7	2,114.40	2,114.40	2,237.40	2,237.40
O-6	1,644.00	1,644.00	1,644.00	1,644.00
O-5	1,410.30	1,410.30	1,453.50	1,530.90
O-4	1,252.50	1,308.30	1,397.10	1,476.00
O-3 [2]	1,219.20	1,263.30	1,330.80	1,397.10
O-2 [2]	1,062.30	1,062.30	1,062.30	1,062.30
O-1 [2]	838.20	838.20	838.20	838.20

COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205			
	Over 14	Over 16	Over 18	Over 20
O-10 [1]	*$3,287.70	*$3,522.90	*$3,522.90	*$3,758.40
O-9	2,818.20	3,053.70	3,053.70	*3,287.70
O-8	2,706.00	2,818.20	2,940.90	3,053.70
O-7	2,349.00	2,584.20	2,761.80	2,761.80
O-6	1,699.80	1,968.90	2,069.70	2,114.40
O-5	1,633.20	1,755.90	1,856.70	1,912.50
O-4	1,543.50	1,610.70	1,655.40	1,655.40
O-3 [2]	1,431.30	1,431.30	1,431.30	1,431.30
O-2 [2]	1,062.30	1,062.30	1,062.30	1,062.30
O-1 [2]	838.20	838.20	838.20	838.20

COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205		
	Over 22	Over 26	Over 30
O-10 [1]	*$3,758.40	*$3,992.70	*$3,992.70
O-9	*3,287.70	*3,522.90	*3,522.90
O-8	*3,176.10	*3,176.10	*3,176.10
O-7	2,761.80	2,761.80	2,761.80
O-6	2,237.40	2,426.10	2,426.10
O-5	1,979.70	1,979.70	1,979.70
O-4	1,655.40	1,655.40	1,655.40
O-3 [2]	1,431.30	1,431.30	1,431.30
O-2 [2]	1,062.30	1,062.30	1,062.30
O-1 [2]	838.20	838.20	838.20

[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $4,405.50* regardless of cumulative years of service computed under section 205 of title 37 of the United States Code.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

*The rate of basic pay for military personnel at these rates is limited by section 5308 of title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule or $3,150.00 per month.

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEAR'S ACTIVE SERVICE AS ENLISTED MEMBERS

Pay grade	Years of service computed under section 205				
	Over 4	Over 6	Over 8	Over 10	Over 12
O-3	$1,163.70	$1,219.20	$1,263.30	$1,330.80	$1,397.10
O-2	1,040.40	1,062.30	1,095.90	1,152.60	1,197.30
O-1	838.20	894.90	928.20	961.80	995.40

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay grade	Years of service computed under section 205				
	Over 14	Over 16	Over 18	Over 20	Over 22
O-3	$1,453.50	$1,453.50	$1,453.50	$1,453.50	$1,453.50
O-2	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-1	1,040.40	1,040.40	1,040.40	1,040.40	1,040.40

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay grade	Years of service computed under section 205	
	Over 26	Over 30
O-3	$1,453.50	$1,453.50
O-2	1,230.30	1,230.30
O-1	1,040.40	1,040.40

WARRANT OFFICERS

Pay grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
W-4	$896.40	$961.80	$961.80	$983.70	$1,028.70
W-3	815.10	884.10	884.10	894.90	905.70
W-2	713.70	771.90	771.90	794.40	838.20
W-1	594.60	681.90	681.90	738.60	771.90

WARRANT OFFICERS

Pay grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
W-4	$1,073.70	$1,118.70	$1,197.30	$1,252.50	$1,296.90
W-3	972.00	1,028.70	1,062.30	1,095.90	1,128.60
W-2	884.10	917.40	950.70	983.70	1,018.20
W-1	805.50	838.20	872.70	905.70	939.30

WARRANT OFFICERS

Pay grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$1,330.80	$1,374.90	$1,420.80	$1,530.90	$1,530.90
W-3	1,163.70	1,208.40	1,252.50	1,296.90	1,296.90
W-2	1,051.50	1,084.80	1,128.60	1,128.60	1,128.60
W-1	972.00	1,006.80	1,006.80	1,006.80	1,006.80

ENLISTED MEMBERS

Pay grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 [1]	$0	$0	$0	$0	$0
E-8	0	0	0	0	0
E-7	596.70	643.80	667.80	691.20	715.20
E-6	515.40	561.90	585.30	609.60	632.70
E-5	452.40	492.60	516.30	538.80	573.90
E-4	435.00	459.30	486.00	524.10	544.50
E-3	418.20	441.30	459.00	477.00	477.00
E-2	402.60	402.60	402.60	402.60	402.60
E-1	361.20	361.20	361.20	361.20	361.20

ENLISTED MEMBERS

Pay grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 [1]	$0	$1,018.50	$1,041.60	$1,065.30	$1,089.90
E-8	854.70	878.40	901.80	925.50	949.50
E-7	737.40	760.80	784.80	820.20	843.30
E-6	656.10	679.80	715.20	737.40	760.80
E-5	597.30	621.30	643.80	656.10	656.10
E-4	544.50	544.50	544.50	544.50	544.50
E-3	477.00	477.00	477.00	477.00	477.00
E-2	402.60	402.60	402.60	402.60	402.60
E-1	361.20	361.20	361.20	361.20	361.20

ENLISTED MEMBERS

Pay grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]	$1,113.90	$1,135.80	$1,195.80	$1,311.60	$1,311.60
E-8	971.70	995.70	1,053.90	1,171.80	1,171.80
E-7	867.00	878.40	937.50	1,053.90	1,053.90
E-6	772.80	772.80	772.80	772.80	772.80
E-5	656.10	656.10	656.10	656.10	656.10
E-4	544.50	544.50	544.50	544.50	544.50
E-3	477.00	477.00	477.00	477.00	477.00
E-2	402.60	402.60	402.60	402.60	402.60
E-1	361.20	361.20	361.20	361.20	361.20

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,594.50 regardless of cumulative years of service computed under section 205 of title 37 of the United States Code.

PART II

BASIC ALLOWANCE FOR SUBSISTENCE RATES

Officers (per month)	$53.05
Enlisted members:	
When on leave or authorized to mess separately (per day)	2.53
When rations in-kind are not available (per day)	2.85
When assigned to duty under emergency conditions where no messing facilities of the United States are available (per day)	3.79

PART III

MONTHLY BASIC ALLOWANCE FOR QUARTERS RATES

Pay grade	Without dependents	With dependents
Commissioned officers		
O-10	$255.30	$319.20
O-9	255.30	319.20
O-8	255.30	319.20
O-7	255.30	319.20
O-6	234.60	286.20
O-5	219.60	264.60
O-4	198.00	238.80
O-3	175.50	216.60
O-2	153.60	194.70
O-1	120.60	156.90
Warrant officers		
W-4	$191.10	$230.40
W-3	172.20	212.40
W-2	151.80	192.60
W-1	137.40	178.20
Enlisted members		
E-9	$144.90	$204.00
E-8	135.00	190.80
E-7	115.80	178.80
E-6	106.20	166.20
E-5	102.60	153.60
E-4	90.30	134.40
E-3	80.10	116.10
E-2	70.80	116.10
E-1	66.60	116.10

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 203, 402, 403 of this title.